(24)

HIGH COURT OF JUDICATURE AT BILASPUR, CHHATTISGARH

SINGLE BENCH: HON'BLE SHRI S.R. NAYAK, CJ.

WRIT PETITION NO. 6459 OF 2005

PETITIONERS

1. Sonau, S/o Birbal, aged about 49 years
2. Smt. Rukhmani, W/o. Sonau, aged about 46 years, Both R/o Village Lagara, P.S. Sarkanda, District Bilaspur (C.G.)

Vs.

RESPONDENTS

1. Govind Agrawal S/o Nawal Kishor Agrawal R/o Kailash Dalmill, Near Shanti Dharmashala, Mangala Chowk, Tahsil & District Bilaspur (C.G.)
2. Dhani Ram Kewat S/o Paharu Ram Kewat R/o Village Lagara, P.S. Sarkanda, Tahsil and District Bilaspur (C.G.)
3. National Insurance Com. Ltd. Priyadarshani Nagar, Bilaspur (C.G.)

Present: Mr. Goutam Khetrapal , learned counsel for the petitioner.

ORAL ORDER

(Passed on 12th January, 2006)

The petitioners sought permission of the MACT to withdraw a sum of Rs.75,000/- out of Rs.1,50,000/- directed to be deposited by the MACT in Zilla Sahakari Bank, Bilaspur for the purpose of establishing a Kirana shop. The application has been rejected by the MACT. Hence, this writ petition under Article 227 of the Constitution of India.

(2) It is true that the deposit of compensation of money will earn some interest. There is no good reason to disbelieve the version of the petitioners that they want sum of Rs.75,000/- to establish a Kirana shop to earn more income to support their livelihood. The petitioners are aged 49 and 46 years respectively. In that view of the matter, I am inclined to acceed to the request of the petitioners. Therefore, I permit the petitioners to withdraw a sum of Rs.75,000/- out of Rs.1,50,000/- deposited in Zilla Sahakari Bank, Bilaspur. The writ petition is disposed of in the above terms. However, the petitioners shall file fund utility certificate before the MACT within one month from the date of opening of Kirana shop.

Sd/-
Chief Justice